IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13115 of 2004

Between:

Paka Bhulakshmi @ Devika W/o Late Paka Sarangapani, FP Shop No.1125
R/o Singapore (V), Huzarabad(M), Karimangar District

... PETITIONER

AND

1 The District Collector, Karimnagar, Karimnagar district
2 The Mandal Revenue Officer, Huzarabad mandal, Karimnagar District
3 The Revenue Divisional Officer, Karimnagar, Karimnagar district

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not allowing the petitioner to run F.P. Shop No. 1125 of Singapore Village, Huzarabad madnal, Karimnagar District in Place of her husband and not considering the representation of the petitioner dt 14-6-2004 as illegal, unjust and arbitrary, contrary to the statute and as such liable to be set a side in the interest of justice with a consequential direction to allow the petitioner to distribute the essential commodities forthwith

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following order:

ORDER:

This writ petition is filed seeking declaration that the alleged action of the respondents in not allowing the petitioner to run the Fair Price Shop No.1125 of Singapore Village, Huzarabad Mandal, Karimnagar District, as arbitrary and illegal.

The case of the petitioner is that her husband was the authorised dealer in respect of the Fair Price Shop No.1125, who died recently. She states that the respondents without considering her case for appointment as dealer of the Fair Price Shop No.1125, have erroneously notified the vacancy and was about to make appointment.

It appears that the petitioner has also applied in pursuance of the notification and the interviews were conducted on 08.06.2004. This writ petition has been filed contending that the respondents have assured that her candidature will be considered under “Social Security Scheme”, but contrary to the assurance they were taking steps to appoint one Burra Srinivas.

When the matter is taken up for consideration today, the learned Counsel

for the petitioner states that the said Mr. Burra Srinivas S/o Kanakaiah, has already been appointed as the dealer of the said Fair Price Shop No.1125. He contends that the appointment is not in accordance with law and that the said Burra Srinivas is not eligible for appointment. It is also contended that the appointment is without following the rule of reservation.

Since an appointment has already been made, if the petitioner is aggrieved it is open to her to avail the alternative remedy of appeal provided under the statute. The contentions raised by the petitioner which require detailed enquiry into several factual aspects cannot be gone into by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to challenge the appointment of the dealer in respect of the Fair Price Shop No.1125 by preferring the Appeal as provided under the Statute. No costs.

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(G. ROHINI, J)

August 17, 2004

Dsk/Tsr

To

1 The District Collector, Karimnagar, Karimnagar District
2 The Mandal Revenue Officer, Huzarabad mandal, Karimnagar District
3 The Revenue Divisional Officer, Karimnagar, Karimnagar District

4 Two CCs to GP For Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

5 Two CD Copies.